

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DONALD E. MITCHELL, JR.,

4 Plaintiff,

5 v.

6 WARDEN BRIAN WILLIAMS, *et al.*,

7 Defendants.
8

Case No. 2:19-cv-01827-JAD-DJA

ORDER

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has filed an application to proceed *in forma pauperis* and has submitted a
12 temporary restraining order with exhibits and three judicial notices. (ECF Nos. 1, 1-1,
13 1-2, 1-3, and 1-4). Plaintiff has not filed a complaint in this matter.

14 Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by
15 filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff
16 thirty (30) days from the date of this order to submit a complaint to this Court. The Court
17 will defer a decision on the application to proceed *in forma pauperis* until Plaintiff submits
18 a proper initiating document for this case.

19 **II. CONCLUSION**

20 For the foregoing reasons, IT IS ORDERED that a decision on the application to
21 proceed *in forma pauperis* (ECF No. 1) is deferred.

22 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
23 **thirty (30) days** from the date of this order.

24 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
25 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
26 Clerk of the Court will also send Plaintiff a copy of his temporary restraining order with
27 exhibits and the three judicial notices. (ECF Nos. 1-1, 1-2, 1-3, and 1-4).

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1 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
2 dismissal of this action may result.

3 DATED this 23rd day of October, 2019.

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5 UNITED STATES MAGISTRATE JUDGE
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